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MINISTRY OF LAW

(Legislative Department)

New Delhi, the 9th December, 1961/Agrahayana 18, 1883 (Saka)

The following Acts of Parliament received the assent of the President on the 7th December, 1961, and are hereby published for general information:—

THE COFFEE (AMENDMENT) ACT, 1961

No. 48 OF 1961

[7th December, 1961]

An Act further to amend the Coffee Act, 1942.

BE it enacted by Parliament in the Twelfth Year of the Republic of India as follows:—

1. (1) This Act may be called the Coffee (Amendment) Act, 1961. Short title
and com-
mencement.
- (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

- 7 of 1942. 2. In section 3 of the Coffee Act, 1942 (hereinafter referred to as the principal Act),— Amendment
of section 3

(a) for clause (i), the following clause shall be substituted, namely:—

‘(i) “owner”, in relation to any land planted with coffee plants, includes,—

- (1) any agent of the owner, and
- (2) a mortgagee, lessee or other person in actual possession of the land;’ and

(b) for clause (n), the following clause shall be substituted, namely:—

‘(n) “year” means the period of twelve months beginning with the first day of July and ending with the thirtieth day of June next following.’

Amendment
of section 4.

3. In section 4 of the principal Act,—

(i) for sub-sections (2) and (2A), the following sub-sections shall be substituted, namely:—

“(2) The Board shall consist of—

(a) a Chairman to be appointed by the Central Government by notification in the Official Gazette;

(b) three Members of Parliament of whom two shall be elected by the House of the People and one by the Council of States; and

(c) such number of other members not exceeding twenty-nine as the Central Government may think expedient, to be appointed by that Government by notification in the Official Gazette from among persons who are in its opinion capable of representing,—

(i) Governments of the principal coffee-growing States;

(ii) coffee-growing industry;

(iii) coffee trade interests;

(iv) curing establishments;

(v) interests of labour;

(vi) interests of consumers; and

(vii) such other interests as, in the opinion of the Central Government, ought to be represented on the Board.

(2A) The number of persons to be appointed as members from each of the categories specified in clause (c) of sub-section (2), the term of office of, the procedure to be followed in the discharge of their functions by, and the manner of filling vacancies among, the members of the Board shall be such as may be prescribed.”;

(ii) sub-section (3) shall be omitted.

4. In section 12 of the principal Act, the words, brackets and figures “, except coffee sold and delivered before the estate became subject to the provisions of sub-section (1) of section 14,” shall be omitted. Amendment of section 12.

5. In section 13 of the principal Act, in sub-section (1), the words “and of any fees” shall be omitted. Amendment of section 13.

6. In section 14 of the principal Act,—

Amendment of section 14.

(a) for sub-section (1), the following sub-section shall be substituted, namely:—

“(1) Every owner of land planted with coffee plants, whether such land is comprised in one estate or in more than one estate and whether it is situated wholly or only partly in India, shall, before the expiration of one month from the date on which he first became owner of such estate or estates, apply to the registering officer appointed in this behalf by the State Government to be registered as an owner in respect of each estate owned by him; and any registration made before the commencement of the Coffee (Amendment) Act, 1961 shall be deemed to have been made under this sub-section.”;

(b) sub-sections (2) and (4) shall be omitted.

7. In section 17 of the principal Act,—

Amendment of section 17.

(a) for the words, brackets and figures “No registered owner shall, before the estate became subject to the provisions of sub-section (1) of section 14,” the words “No registered owner shall” shall be substituted; and

(b) the proviso shall be omitted.

8. Section 19 of the principal Act shall be omitted.

Omission of section 19.

9. In section 20 of the principal Act, in the first proviso, for clauses (ii), (iii) and (iv), the following clauses shall be substituted, namely:— Amendment of section 20.

“(ii) carried as personal baggage of a passenger, not exceeding such quantities as the Central Government may, by notification in the Official Gazette, specify, or

(iii) exported for such purposes and in such quantities as the Central Government may specify in the like manner.”.

Amendment
of section 31.

10. In section 31 of the principal Act, in sub-section (1),—

(a) in clause (b), for the word and figures “section 32.”, the words and figures “section 32; and” shall be substituted;

(b) after clause (b), the following clause shall be inserted, namely:—

“(c) all fees levied and collected by the Board under this Act.”.

Amendment
of section 36.

11. In section 36 of the principal Act, in sub-section (1), the words and figures “and any person who contravenes the provisions of section 19” shall be omitted.

Omission of
section 41.

12. Section 41 shall be omitted.

Amendment
of section 48.

13. In section 48 of the principal Act,—

(a) in sub-section (2), for clauses (i) and (ii), the following clauses shall be substituted, namely:—

“(i) the constitution of the Board, the number of persons to be appointed as members from each of the categories specified in clause (c) of sub-section (2) of section 4, the term of office and other conditions of service of, the procedure to be followed by, and the manner of filling vacancies among, the members of the Board;

(ii) the circumstances in which, and the authority by which, members may be removed;”;

(b) for sub-section (3), the following sub-section shall be substituted, namely:—

“(3) Every rule made by the Central Government under this Act shall be laid as soon as may be after it is made before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.”.

Reconstitu-
tion of Board
on commen-
cement of
this Act.

14. On the commencement of this Act, the Board constituted under section 4 of the principal Act shall stand dissolved and shall be reconstituted in the manner provided in section 4 of that Act as amended by section 3 of this Act.

**THE ASSAM MUNICIPAL (MANIPUR AMENDMENT)
ACT, 1961
No. 49 of 1961**

[7th December, 1961]

An Act further to amend the Assam Municipal Act, 1956 as in force in the Union territory of Manipur.

BE it enacted by Parliament in the Twelfth Year of the Republic of India as follows:—

1. (1) This Act may be called the Assam Municipal (Manipur Amendment) Act, 1961.

Short title
and com-
mencement.

(2) It shall come into force on such date as the Chief Commissioner, Manipur may, by notification in the Official Gazette, appoint.

Assam Act
XV of 1957.

2. In the Assam Municipal Act, 1956 as in force in the Union territory of Manipur (hereinafter referred to as the principal Act), for section 14, the following section shall be substituted, namely:—

Substitution
of new
section for
section 14.

43 of 1950.

‘14. (1) The persons entitled to vote at elections of Commissioners shall be the persons registered, by virtue of the provisions of the Constitution and the Representation of the People Act, 1950, as voters at elections to the House of the People.

Electorals
and electoral
rolls.

(2) So much of the electoral roll for any parliamentary constituency for the time being in force as relates to the areas comprised within a ward shall be deemed to be the electoral roll for that ward for the purposes of this Act.

Explanation.—In sub-section (2), the expression “parliamentary constituency” has the meaning assigned to it under the Representation of the People Act, 1950.’

43 of 1950.

Amendment
of section 15.

3. In section 15 of the principal Act, for clause (i), the following clause shall be substituted, namely:—

“(i) is not registered as an elector in the electoral roll for a ward, or”.

Insertion of
new section
15A.

4. After section 15 of the principal Act, the following section shall be inserted, namely:—

Right to
vote.

“15A. (1) Every person whose name is, for the time being, entered in the electoral roll for a ward shall be entitled to vote at the election of a Commissioner from that ward.

(2) In every ward an elector shall have as many votes as there are Commissioners to be elected from that ward but no elector shall at any election give more than one vote to any one candidate.”.

Amendment
of section 16.

5. In section 16 of the principal Act,—

(1) for the words “by an unsuccessful candidate or person qualified to vote at the election to which such question refers, such person”, the words “by any candidate at such election or by any elector of the ward concerned, such candidate or such elector, as the case may be,” shall be substituted;

(2) in the second proviso, for the word “qualified” in both the places where it occurs, the word “entitled” shall be substituted.

Insertion of
new section
26A.

6. After section 26 of the principal Act, the following section shall be inserted, namely:—

Transitional
provisions
for Commis-
sioners of,
and general
election to,
Imphal
Municipal
Board.

“26A. Notwithstanding anything in this Act or in any notification, rule or order issued or made thereunder,—

(a) the Commissioners of the Imphal Municipal Board holding office immediately before the commencement of the Assam Municipal (Manipur Amendment) Act, 1961 shall cease to hold office on and from such date as the Chief Commissioner may by notification in the Manipur Gazette specify;

(b) the general election of Commissioners of that Board to be held for the first time after such commencement shall be held and completed before such date as the Chief Commissioner may by a like notification specify.”.

Amendment
of section
301.

7. In section 301 of the principal Act, in sub-section (2),—

(a) in clause (i), the words “the qualifications and disqualifications and registration of voters,” shall be omitted;

(b) after clause (i), the following clause shall be inserted, namely:—

“(ia) provide for the manner of the splitting up of electoral rolls for parliamentary constituencies into parts for the purpose of constituting one or more of such parts into the electoral roll for a ward, and the appointment of the officer or authority by whom such splitting up is to be carried out;”.

R. C. S. SARKAR,
Secy. to the Govt. of India.

